UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,527	02/12/2004	Chih-Wei Chen	0698-0173P	4142

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EXAMINER
KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
08/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after t he mailing date of this communication, even if timely filed, may re duce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the Application filed 2/12/2004.

Priority

2.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Henry et

al. (US 7028104), hereafter Henry.

Regarding **claims 1 and 4** Henry discloses:

A self-activating network connection system suitable for a computer

system capable of network connection, the computer system at least having a

network connection module (abstract, a network interface driver clearly implies

that there is a network interface module that it is driving) for connecting to a

network and a network driving module (abstract, network interface driver) for

driving the network connection module to perform network connection, the

network connection system comprising:

a detection module for performing a counting process to count to a

predetermined value where the detection module detects whether the network

connection module has successfully connected to the network; and (Fig. 3, steps

302 and 304 show a timer counting until the offer of an IP address is received.)

an activation module for sending required information to the network

driving module, such that if the detection module determines that the computer

system fails to connect to the network via the network connection module, the

activation module sends an activation signal to the network driving module to

trigger the network driving module to drive the network connection module to

connect to the network until the detection module determines that the computer

system has successfully connected to the network via the network connection

module. (Fig. 3 304-312 show that if the timer expires, the information (DHCP-

discover packet) is regenerated and sent to the NIC card to be resent over the

network, at which point the timer begins again. (See Fig. 1, state diagram item

102 has an arrow circulating back into that state, i.e. the beginning of Fig. 3)

Regarding **claims 2 and 5 as applied to claims 1 and 4**, Henry discloses:

The information comprises parameter settings, note step 308 where the

DHCP-discover packet is regenerated, which has in it parameter settings for the

connection.

Regarding **claims 3 and 6 as applied to claims 1 and 4**, Henry discloses:

The detection action detects whether an IP address has been obtained for

the computer system. (The DHCP-Offer message, if received, contains the IP

address for the system, therefore, it is detecting whether the IP address for the

system has been obtained or not.)

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Matsuda et al. (US 2002/0133573) discloses dynamically configurable network

architecture. Attention is drawn to Figures 5 and 5A, where if a DHCP response is not

received, a new broadcast of a DHCP discover is triggered.

Lenz (US 6029196) discloses an automatic client configuration system. Attention

is drawn to Fig. 9 which shows an auto timeout feature that causes the system to

request network configuration files again if they have not been received within a certain

time period.

"DSL Forum Technical Report TR-044, Auto-Configuration for Basic Internet

Services December 2001" teaches on page 8 that if a DHCP request fails (i.e. due to a

time-out), that retries should be made.

"Summary DHCP" teaches restarting a DHCP process in the event of an error.

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael E. Keefer whose telephone number is (571)

270-1591. The examiner can normally be reached on Monday through Friday 5:30am-

2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 8/14/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER